

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

VON RO CORPORATION,

Debtor.

ORDER DISMISSING CROSS-
CLAIMS FOR LACK OF
JURISDICTION

STEPHEN J. CREASEY, TRUSTEE,

Plaintiff,

BKY 13-34910

v.

ADV 14-3162

MARK J. MIMBACH;
M. J. MIMBACH, INC.;
SPIRE CREDIT UNION, fka
Greater Minnesota Credit
Union; and JOHN DOE 1-x,
JANE DOE 1-x, ABC
CORPORATION,

Defendants.

At St. Paul, Minnesota
May 6, 2015.

This adversary proceeding came before the court on May 5, 2015, for hearing on the motion of Defendant Spire Credit Union for the dismissal of cross-claims against it that were pleaded by Defendants Mark J. Mimbach and M. J. Mimbach, Inc., in their answers. The movants appeared by Daniel M. Duffek. The respondents appeared by David W. Buchin. The Plaintiff appeared by Ralph V. Mitchell.

Acting *sua sponte*, the court raised the issue of whether the federal bankruptcy jurisdiction under 28 U.S.C. § 1334(b) even lay, as to the requests for substantive relief pleaded in the counterclaims. After conferring with their clients, counsel stated that they would not submit anything further on the issue of jurisdiction. On the rulings then memorialized on the record, and the analysis recited earlier in the hearing,

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 05/06/2015 Lori Vosejka, Clerk, By JRB, Deputy Clerk

IT IS ORDERED:

1. The cross-claims of Defendants Mark J. Mimbach and M. J. Mimbach, Inc. against Defendant Spire Credit Union, as pleaded in the cross-claimants' answers to the Plaintiff's complaint [Dkt. Nos. 22 and 23], are dismissed for lack of jurisdiction under 28 U.S.C. § 1334(b).

2. The disposition under Term 1 does not reach the merits of the cross-claims or the responses to it. This dismissal is entirely without prejudice to the raising of the cross-claimants' requests for substantive relief before another court of competent jurisdiction.

BY THE COURT:

/s/ Gregory F. Kishel

GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE